IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE SHRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No. 23150 of 2006

Dated 10th November, 2006

Between
Ravi Kumar I

… Petitioner

And

Union of India represented by its
Secretary to Government, Ministry of Defence,
South Block, New Delhi and another.

… Respondents.

ORDER:

In this writ petition, the petitioner has questioned the order dated 16.7.2005 passed by the Commandant, National Defence Academy, Pune on the ground that the same is in violation of the directions issued by this Court in Writ Petition No. 20337 of 2004, dated 11.2.2005 and seeks quashing of the note files and legal opinions with reference to orders passed pursuant to directions in Writ Petition No.20337 of 2004.

The petitioner was initially appointed as ad hoc lecturer in the Department of Computer Science, National Defence Academy, Pune. In the year 2000, certain disciplinary proceedings were initiated on account of certain misconduct alleged and charges were framed. The said disciplinary proceedings ended in passing of the termination orders on 19.6.2000. Questioning the said order of termination, the petitioner filed O.A.No. 433 of 2000 before the Central Administrative Tribunal Mumbai Bench, but the same was dismissed. The said orders were challenged before the High Court of Bombay in Writ Petition No. 1928 of 2002. The Bombay High Court dismissed the said writ petition on 3.6.2003. Challenging the said order dated 3.6.2003, the petitioner had filed Special Leave Petition No. 12941 of 2003 before the Honourable Supreme Court, which also ended in dismissal by order dated 17.11.2003 passed by the Supreme Court. Even Review Petition filed against the said order also ended in dismissal on 10.2.2004.

Though the order of termination has become final and finally

affirmed by the Honourable Supreme Court, the petitioner again filed Writ Petition No. 20337 of 2004 challenging the order of his termination, which was disposed of remitting the matter back for fresh consideration on merits in accordance with law. In compliance of the said orders, the impugned order dated 16.7.2005 was passed confirming the earlier orders taking into account the order of dismissal of the Original Application filed by the petitioner, which was ultimately confirmed by the Honourable Supreme Court.

Thereafter, the petitioner filed Contempt Case No. 519 of 2005, which was dismissed by this Court on 22.7.2005. Another contempt case was also filed in C.C. No. 567 of 2006 and this court had dismissed the said contempt case by order dated 3.8.2006.

In this writ petition, the petitioner has questioned order dated 16th July, 2005. Pursuant to the directions issued in Writ Petition No. 20337 of 2004, the impugned order is passed confirming the earlier order of termination referring to the order of dismissal of O.A. passed by the Central Administrative Tribunal as confirmed by the High Court of Bombay in Writ Petition No. 1928 of 2002 and the Supreme Court in Special Leave Petition No. 1249 of 2003.

It is submitted by the petitioner appearing in-person, that the impugned orders are passed confirming the earlier order of termination contrary to the directions of this court without examining the matter afresh. It is submitted that there was no proper opinion from the counsel for implementation of the directions issued by this court in Writ Petition No. 20337 of 2004, which resulted in passing of the impugned order dated 16.7.2005, by which order, the earlier order of termination was affirmed.

In this case, it is not in dispute that the earlier orders of

termination were questioned by the petitioner before the Central Administrative Tribunal and the said orders were ultimately confirmed by the Supreme Court. In fact, in view of the dismissal of the Special Leave Petition preferred by him before the Supreme Court, it was not open for the petitioner to question the said order again by filing a writ petition. But, the petitioner, notwithstanding the same, again filed Writ Petition No. 20337 of 2004, which culminated in remitting the matter back for fresh disposal. In view of the directions issued by this court in the said writ petition, orders dated 16.7.2005 are passed confirming the earlier order of termination by referring to the orders passed by the High Court of Bombay as affirmed by the Apex Court, as the matter attained finality.

In that view of the matter and in view of the orders passed by the High Court of Bombay and affirmed by the Apex Court, I do not find any illegality in the impugned proceedings issued by the respondents dated 16.7.2005, in which, earlier orders of termination were confirmed pursuant to the directions issued by this court.

With regard to the alleged endorsements in note files and legal opinions, they are all internal correspondence and are not orders so as to consider their validity to quash them. Therefore, the petitioner cannot seek quashing of the said endorsements/opinions by seeking a writ of certiorari.

For the reasons aforementioned, I do not find any valid ground to admit this writ petition. The writ petition is devoid of any merits and the same is accordingly dismissed with costs.

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10--11—2006 **R.SUBHASH REDDY, J.**

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